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**RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY**

[*on the report of the Third Committee (A/52/644/Add.3)*]

**52/141. Situation of human rights in Iraq**

*The General Assembly*,

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

*Mindful* that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949[3] on the protection of victims of war,

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

*Recalling* previous resolutions of the General Assembly and the Commission on Human Rights on the subject, and taking note of the most recent, Commission on Human Rights resolution 1997/60 of 16 April 1997,[4]

*Taking note* of the concluding observations of the Human Rights Committee following the Committee's consideration of the fourth periodic report of Iraq[5] under the International Covenant on Civil and Political Rights,[2]

*Recalling* Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with international humanitarian organizations and that the human rights of all Iraqi citizens be respected; Security Council resolution 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; Security Council resolutions 687 (1991) of 3 April 1991 and 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, as well as Security Council resolutions 1111 (1997) of 4 June 1997 and 1129 (1997) of 12 September 1997,

1. *Welcomes* the interim report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq[6] and the observations, conclusions and recommendations contained therein, and noting that there has been no improvement in the situation of human rights in the country;

2. *Strongly condemns*:

(*a*) The massive and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, which have resulted in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(*b*) Suppression of freedom of thought, expression, religion, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, including the death penalty;

(*c*) Summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(*d*) Widespread, systematic torture in its most cruel forms, the enactment and implementation of decrees prescribing cruel and inhuman punishment, namely mutilation, as a penalty for offences and the diversion of medical care services for such mutilations;

3. *Calls upon* the Government of Iraq:

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[4] See *Official Records of the Economic and Social Council, 1997, Supplement No. 3* (E/1997/23), chap. II, sect. A.

[5] CCPR/C/103/Add.2.

[6] A/52/476.

(*a*) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(*b*) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;[2]

(*c*) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur of the Commission on Human Rights to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(*d*) To restore the independence of the judiciary and to abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(*e*) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment and to ensure that torture and cruel punishment and treatment no longer occur;

(*f*) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of the authority of the State;

(*g*) To cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third-country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights for that purpose and to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities through the mechanism established by the Security Council in its resolution 692 (1991) of 20 May 1991;

(*h*) To cease immediately its repressive practices aimed at the Iraqi Kurds in the north, Assyrians, Shi'a, Turkomen, the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and other ethnic and religious groups;

(*i*) To put an end without delay to the enforced displacement of persons;

(*j*) To cooperate with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(*k*) To release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(*l*) To ensure equitable distribution, without discrimination, to the Iraqi population of the humanitarian supplies purchased with the proceeds of Iraqi oil, in implementation of Security Council resolutions 986 (1995), 1111 (1997) and 1129 (1997) and the memorandum of understanding on this issue concluded with the Secretary-General in May 1996, and to cooperate with international humanitarian agencies for the provision, without discrimination, of relief to those in need throughout Iraq;

(*m*) To cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

(*n*) To continue to cooperate in the implementation of Security Council resolutions 986 (1995) and 1111 (1997) and to continue to facilitate the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country;

4. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

5. *Decides* to continue the examination of the situation of human rights in Iraq at its fifty-third session under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

*70th plenary meeting*
*12 December 1997*